

RUMSON ZONING BOARD
OCTOBER 15, 2019
MINUTES

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Chairman Brodsky, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Hofferber, Mr. Duddy
Absent: Mrs. Kirkpatrick, Mrs. Carras

Also present: Bernard Reilly, Esq., Fred Andre', Zoning Officer and State Shorthand Reporting Services.

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

Chairman Brodsky asked that the continued application of Atlantic Builders Custom Homes, LLC, for property located at 2 Dogwood Lane be presented for the Board's consideration. The application was heard and concluded by the Zoning Board at the September 17, 2019 meeting. Due to a postal delivery error many of the surrounding residences did not receive notice of the proposed application until after the meeting date. In order to allow for public comment, that portion of the September hearing is being reopened.

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm, representing the applicant addressed the Board. Mr. Brodsky advised the Board that the applicants met with some neighboring property owners and have revised the plan accordingly. Mr. Brodsky supplied the Board with the following exhibits: A-2 Engineering Plans revised through 10/7/19; A-3 Architectural Plans revised through 10/7/19.

Mr. Brodsky recalled Anthony Condouris, the project architect, who was sworn at the last meeting and remains under oath. Mr. Condouris explained that the plans have been revised to reflect that the driveway has been relocated and shifted five feet to the west and landscaping has been added between the garage and Dogwood Lane. The roof height has been reduced to 32 feet in response to comments received from a few neighbors. The garage will be positioned behind the house and windows have been added.

Chairman Brodsky opened the application for public questions and or comments. Amy Judd was sworn in and questioned the driveway setback from her property. Mr. Condouris responded that the driveway is 18 feet from the property line. Leigh Solano was sworn in and thanked the applicant for keeping with the style of the neighborhood and for being accommodating to their concerns.

There being no further comments and/or questions, Chairman Brodsky asked the pleasure of the Board. Mr. Hofferber made a motion to approve the application with the latest revisions; Seconded by Mr. Duddy.

Roll call vote:

Ayes: Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Hofferber, Mr. Duddy

Nays: None

Abstain: Chairman Brodsky

Chairman Brodsky announced that the application of John Horbal for property located at 9 Allen Street be presented for the Board's condition.

Mr. Shissias recused himself from hearing the application.

John Horbal, property owner, was sworn in. Mr. Horbal introduced Alec P. Shissias, a New Jersey licensed Architect. Mr. Shissias was sworn in and the Board accepted his credentials. Mr. Shissias supplied the Board with the following exhibits: A-1 Rear and front elevations; A-2 setbacks of neighboring properties on Allen Street.

Mr. Shissias testified that the application is to construct a new single-family residence and rear patio area with a wading pool and hot tub at the premises. Mr. Shissias stated that the applicant is aware that five affirmative votes are required for the application and is willing proceed with the presentation this evening. The property is currently nonconforming in lot area and interior lot shape. New construction will create nonconformities in building front setback, porch front setback, rear setback, building coverage and floor area. Mr. Shissias explained the rationale for the variances being requested and the interior layout of the project.

Board Members expressed concern with the variances being requested, the hardship in not conforming and the accuracy of the neighboring setbacks.

Chairman Brodsky opened the application for public questions and/or comments. Robert Reidy residing at 27 Allen Street questioned the accuracy of the measurements being testified to and the lack of a survey. There being no further public comments and/or questions, the public portion was closed.

After further Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Duddy made a Motion to approve the application as presented; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Hofferber, Mr. Duddy

Nays: Mr. Blum

The Motion to approve the application did not pass and the Board suggested that perhaps the matter be carried to the next Zoning Board meeting. The applicant will investigate the surrounding properties' setbacks and possibly revise the plans for the next meeting. Mr. Reilly announced that the application will be carried to the November 19, 2019 meeting without further notice.

Due to a scheduling conflict Mr. Duddy excused himself from the meeting at 8:41 p.m.

Mr. Shissias resumes his seat at the dais.

Chairman Brodsky asked that the application of Geoffrey Dolan for property located at 31 Allen Street be presented for the Board's consideration. Geoffrey Dolan is sworn in and introduced Keith Mazurek, a New Jersey licensed architect. Mr. Mazurek was sworn in and the Board accepted his credentials. Mr. Mazurek supplied the Board with the following exhibits: A-1 Memo; A-2 revised engineering plans. Mr. Mazurek stated that the property is currently nonconforming in in lot area. New construction will create nonconformities with the garage side setback and building coverage.

Chairman Brodsky opened the application for public comments and/or questions. Robert Reidy residing at 27 Allen Street, was sworn in. Mr. Reidy questioned the setbacks. Mr. Mazurek stated that from the setback is the required 35 feet. James Morris residing at 54 Lafayette Street was sworn in and questioned the setback for the garage. Mr. Mazurek stated that their meeting the setback requirement. Mr. Morris suggested that a setback variance for the front yard would benefit his property and give the applicant a bigger back yard. Edward Sackinger residing at 56 Lafayette Street and agreed with Mr. Morris. Mr. Reidy requested that the front setback remain as proposed to conform with the rest of the surrounding properties.

There being no further public comments, Chairman Brodsky closed the public portion.

After further Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Shissias made a Motion to approve the application as presented; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Hofferber

Nays: None

Chairman Brodsky announced that the application of Peter Mayes for property located at 29 Allen Street be present for the Board's consideration. Peter Mayes, the applicant, was sworn in. Mr. Mayes introduced Keith Mazurek, a New Jersey licensed architect. Mr. Mazurek was sworn in and the Board accepted his credentials. Mr. Mazurek that the application proposes to raze the existing resident and construct a new single-family resident with a detached garage at the premises. The property is currently nonconforming in lot area. The new construction will crate nonconformities in rear setback, building coverage and proposed detached garage side setback.

Chairman Brodsky opened the application for public comments and/or questions. James Morris residing at 54 Lafayette Street was sworn in. Mr. Morris stated he has the same opinion on this application as the last one. Robert Reidy residing at 27 Allen Street was sworn in and questioned the shared driveway between his property and the subject property. Mr. Mazurek stated that they will no longer have a shared driveway.

There being no further public comment, Chairman Brodsky closed the public portion.

After further Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Hofferber made a Motion to approve the application as present; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Hofferber

Nays: None

Mr. Shissias recused himself from hearing the application.

Chairman Brodsky announced that the application of Charles and Lexi Scheerer for property located at 1 Parmly Street be presented for the Board's consideration. Richard Thompson, Esquire representing the application addressed the Board. Mr. Thompson introduced Alec P. Shissias, a New Jersey licensed architect. Mr. Shissias was sworn in and the Board accepted his credentials. Mr. Shissias supplied the Board with the following exhibits: A-1 Sketch of the home; A-2 Aerial.

Mr. Shissias testified that the application is to remove the existing second floor and front entry and construct a new second floor and new open covered front porch. The residence is currently nonconforming in lot area, interior lot shape, minimum building front setback and minimum front porch setback. The new construction will increase the nonconformities in building front and porch front setback. Mr. Shissias described the interior layout of the home and reasons for the improvements to the home and adding a garage.

Chairman Brodsky opened the application for public comments and/or questions. There being none, the public portion was closed.

After further Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Hofferber made a Motion to approve the application as presented; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Torcivia, Mr. Hofferber

Nays: None

Recess is taken from 9:16 to 9:20.

Chairman Brodsky announced that the application of Petcon Builders, LLC for property located at 27 East River Road be presented for the Board's consideration. Todd E. Lehder, Esquire from the law firm of Wilentz, Goldman & Spitzer, representing the applicant addressed the Board. Mr. Lehder supplied the Board with the following exhibits: A-1 East view photograph; A-2 West view photograph; A-3 2005 Resolution for 29 East River Road with attachment; A-4 Email from Robert Dickerson from Monmouth County Planning Board; A-5 Existing Conditions; A-6 proposed driveway.

Mr. Lehder stated that the application is to expand the existing driveway creating a new circular driveway and second curb cut at the existing premises. New construction will create nonconformities in maximum lot coverage, and two driveway curb cuts.

Mr. Lehder introduced George Tsakiris, property owner. Mr. Tsakiris was sworn in and testified before the Board. Mr. Tsakiris stated that the property sits in a precarious position on East River Road and it has become apparent that backing on East River Road is problematic. The proposal is to construct a circular driveway to allow the resident to drive in forward and be able to then turn around in then nose back onto East River Road. The new driveway will be crushed blue stone gravel. Variances are being requested for the second curb cut and maximum lot coverage.

Chairman Brodsky opened the application for public comments and/or questions. There being none, the public portion was closed.

After further Board discussion, Chairman Brodsky asked for the pleasure of the Board. Mr. Hofferber made a motion to approve the application as presented with the condition that the new driveway be gravel; Seconded by Mr. Shissias.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Shissias, Mr. Torcivia, Mr. Hofferber

Nays: Mr. Blum

Chairman Brodsky announced that the application of Chris and Stefanie Ade for property located at 8 Ivins Place be presented for the Board's consideration. Michael Leckstein, Esquire representing the applicants addressed the Board. Mr. Leckstein supplied the Board with a photograph of the boat sitting on the property, which was marked A-1. Mr. Leckstein stated that the application is to construct a new four-car detached heated garage for the storage of classic cars with a second-floor storage loft and a new second floor addition over the existing two-car attached garage at the existing premises. The new construction will create nonconformities in that the ground floor area of all accessory buildings may not exceed 30% of the ground floor area of the principal building, second floor of an accessory building may not have useable floor area greater than one-half of the ground floor area and garage space for automobiles are permitted to have five spaces and shall not be heated.

Mr. Leckstein introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in and the Board accepted his credentials. Mr. Condouris described the architectural details of the project. The purpose of the detached six-bay garage is for the storage of classic cars, a boat on a trailer and large truck and conforms with the 24-foot height requirement.

Board Members expressed concern with the proposal being too much for a one-acre piece of property and finding justification for the variances being requested.

Mr. Leckstein requested that the application be carried in order to revisit the application.

Chairman Brodsky announced that the application will be carried to the November 19, 2019 meeting without further notice.

Mr. Reilly submitted a Resolution Atlantic Builders Custom Homes, LLC, for property located at 2 Dogwood Lane, Block 19, Lot 1 for the Board's consideration. After review and discussion, Mr. Hofferber made a Motion to approve the Resolution as submitted; Seconded by Mr. Shissia.

Roll call vote:

Ayes: Mr. Duddy, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Hofferber

Nays: None

Abstain: Chairman Brodsky

Mr. Reilly also submitted a Resolution for Garth Hagner for property located at 10 Warren Street, Block 137, Lot 14.02 for the Board's consideration. After review and discussion, Mr. Hofferber made a Motion to approve the Resolution as submitted; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Mr. Duddy, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Hofferber

Nays: None

Abstain: Chairman Brodsky

Chairman Brodsky asked for comments on the September 17, 2019 Zoning Board Minutes. Mr. Hofferber made a Motion to approve the Minutes as submitted; Seconded by Mr. Shissias. By voice vote the September 17, 2019 Minutes were approved with Chairman Brodsky abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at 10:30 p.m.

The next scheduled meeting will be November 19, 2019 at 7:30 p.m.

Respectfully submitted,
Michele MacPherson